

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH A. ELLIOTT, SR.,)	
)	
Plaintiff,)	Civil No. 11-1037
)	District Judge Joy Flowers Conti
v)	
SUPERINTENDENT FOLINO, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On August 11, 2011, the above captioned case was filed in this Court and referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a report and recommendation on August 15, 2011 (ECF No. 2) recommending that plaintiff's motion to proceed *in forma pauperis* (ECF No. 1) be denied in accordance with 28 U.S.C. § 1915(g) and that the action be dismissed for plaintiff's failure to pay the filing fee, with the right of plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. Plaintiff was served with the report and recommendation at his listed address and advised that he had until September 1, 2011 to file written objections to the report and recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 6th day of September, 2011;

IT IS HEREBY ORDERED that plaintiff's motion to proceed *in forma pauperis* (ECF

No. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that this action is **DISMISSED** for plaintiff's failure to pay the filing fee, with the right of plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the report and recommendation (ECF No. 2) dated August 15, 2011, is **ADOPTED** as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Joseph A. Elliott, Sr.
CA-1717
SCI Greene
169 Progress Drive
Waynesburg, PA 15370